THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 6371 of 2003

27.04.2006

Between:

The Nellore Town Vegetable Sellers Association, Nellore, rep. By its President and authorized signatory & another.

…Petitioners

And

The Agricultural Market Committee, Nellore,

rep. by its Special Grade Secretary & others.

….Respondents.

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ORDER :

This writ petition is filed by The Nellore Town Vegetable Sellers Association, represented by its President, seeking a writ of mandamus to declare that 1st and 2nd respondents are not entitled to collect rents on the sheds/places in Notified Market i.e. AC Subba Reddy Vegetable Market, Nellore.

It is the case of the petitioner that all the members of the Petitioner-Association were doing petty business in vegetables

outside the market yard, but only at the instance of the Market Committee, they had entered into the market premises and are doing petty businesses. It is their case that they are not liable to pay any rents to the respondents.

In the counter-affidavit filed on behalf of the respondents, it is stated that the members of the Petitioner-Association are the lessees of various places/sheds belonging to Market Committee and they had entered into specific agreements. They entered into possession of various places/sheds, subject to condition of paying specified rents. Having entered into agreements to pay the rents and by enjoying the premises, it is not open for the members of the Petitioner-Association to plead that they are not liable to pay rents. It is also submitted that in view of the interim orders of this Court, all the members of the Petitioner-Association fell in arrears and collectively the amount runs into several lakhs of rupees.

Though a positive direction is sought for, it is submitted by the learned counsel for the Petitioner-Association that the said relief is not pressed for adjudication by this Court and the members of the Petitioner-Association wish to make a representation, with regard to their plea that, they are not liable to pay rents. Further, it is stated by learned counsel for Petitioner-Association as well as learned Standing Counsel for the Agricultural Market Committee that pursuant to orders of this Court dated 24.2.2006, 1/4th of arrears on account of rents were deposited by majority of the members of the Petitioner-Association pending disposal of the writ petition.

Inasmuch as the petitioners are not seeking adjudication from this Court and they wish to make a representation in this regard, this writ petition is disposed of, permitting the members of the Petitioner-Association to submit such representation within a period of eight

weeks from today. On filing such representation by the members of the Petitioner-Association who have paid 1/4th of the arrears as per the orders of this Court dated 24.2.2006, the same may be considered and appropriate orders be passed and communicated to the members within a period of two months from the date of receipt of such representation. Till disposal of such representation, such of the members who have deposited 1/4th of arrears during the pendency of the writ petition, shall not be dispossessed and they shall be allowed to continue their businesses. However, their continuance and payment for remaining arrears is subject to orders to be passed by the respondent-authorities. It is also made clear that for such of the members who have not deposited arrears at all in pursuance to orders of this Court dated 24.2.2006, it is open for the respondents to take steps forthwith to collect the rents and also to take steps for eviction, if they fail to pay such rents. It is made clear that whatever amounts were deposited by the members of the Petitioner-Association during the pendency of this writ petition shall be reckoned for the purpose of computation of 1/4th of arrears.

Subject to above directions, the writ petition stands disposed of. No order as to costs.

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(R.SUBHASH REDDY, J)

27th April 2006

ajr